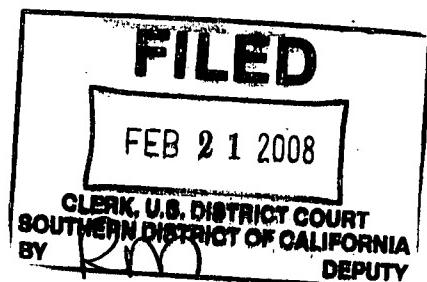


1 SYLVE CASTLE C-82790
 2 NVSP B-5-122
 3 P.O. BOX 5102
 4 DELANO, CA. 93216

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Yes	No
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Yes	No
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Court	ProSe



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 0347 DMS POR

CASE NO.

SYLVE CASTLE

PLAINTIFF

v.

M. RAMIREZ, CORRECTIONAL NURSE
 A. LOPEZ, CORRECTIONAL NURSE
 BOTH OF THEM AAC BEING SUED IN
 THEIR INDIVIDUAL CAPACITY

COMPLAINT FOR
 VIOLATION OF CIVIL
 RIGHTS 42 U.S.C. 1983
 AND DEMAND FOR JURY
 TRIAL

DEFENDANTS



IRT PAPER
 E OF CALIFORNIA
 113 (REV. 3-98)

98 10024



JURISDICTION

THIS ACTION ARISES UNDER THE U.S. CONSTITUTION AND THE CIVIL RIGHTS ACT PURSUANT TO 42 U.S.C. § 1983 AND THE EIGHT AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. §§ 1331, 1338 AND 1343, AND THE AFOREMENTIONED STATUTORY AND CONSTITUTIONAL PROVISIONS.

VENUE IS FOUNDED IN THIS JUDICIAL DISTRICT UPON 28 U.S.C. § 1331 AS THE COMPLAINT OF ALLEGED IN THIS DISTRICT.

GENERAL ALLEGATIONS

AT THIS TIME HEREIN MENTIONED, THE PLAINTIFF WAS A CITIZEN OF THE U.S., RESIDING WITHIN THE COUNTY OF CALIPATIA, STATE OF CALIFORNIA AND WAS AN INMATE AT CALIPATIA STATE PRISON.

PARTIES

DEFENDANTS, M. RAMIREZ AND A. LOPEZ ARE CORRECTIONAL NURSES, WHO ARE EMPLOYED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, WHO ARE RESPONSIBLE FOR ENFORCING THE REGULATIONS OF THE DEPARTMENT AND ARE REQUIRED BY LAW TO OBEY THE LAWS OF THE STATE AND THE UNITED STATES. THEY ARE BOTH SUED IN THEIR INDIVIDUAL CAPACITY.

AT ALL MATERIAL TIMES RELEVANT IN THIS COMPLAINT, THE DEFENDANTS AND BOTH OF THEM WERE ACTING AND CONTINUE TO ACT AND UNDER COLOR OF STATE LAW.

1 BY RESPONSE OF THE DEFENDANTS CONDUCT AND BOTH OF THEM, THE
 2 PLAINTIFF WAS DEPRIVED OF RIGHTS, PRIVILEGES AND IMMUNITIES SECURED
 3 TO HIM BY THE EIGHTH AND FOURTEENTH AMENDMENT OF THE U.S.
 4 CONSTITUTION AND LAWS THEREUNDER.

5

6 ADMINISTRATIVE EXHAUSTION

7

8

9 ON APRIL 8, 2006 PLAINTIFF FILED AN ADMINISTRATIVE APPEAL /
 10 REASONABLE MODIFICATION OR ACCOMMODATION REQUEST REGARDING THE
 11 THE APRIL 7, 2006 INCIDENT.

12 ON APRIL 26, 2006 PLAINTIFF RECEIVED A FIRST LEVEL OF RESPONSE
 13 TO APPEAL LOG NO. C-06-00830 THAT WAS PARTIALLY GRANTED ON THE
 14 FIRST LEVEL OF REVIEW.

15 ON MAY 30, 2006 PLAINTIFF FILED A SECOND LEVEL OF RESPONSE TO
 16 APPEAL LOG NO. C-06-00830

17 ON JUNE 29, 2006 PLAINTIFF RECEIVED A SECOND LEVEL OF RESPONSE
 18 TO APPEAL LOG NO. C-06-00830 THAT WAS PARTIALLY GRANTED ON THE
 19 SECOND LEVEL OF REVIEW.

20 ON JULY 14, 2006 PLAINTIFF FILED A DIRECTOR'S LEVEL OF REVIEW TO
 21 APPEAL LOG NO. C-06-00830

22 ON OCTOBER 13, 2006 PLAINTIFF RECEIVED A DIRECTOR'S LEVEL OF REVIEW
 23 TO APPEAL LOG NO. C-06-00830 WAS DENIED AT THE LEVEL OF REVIEW.

24 THIS FULLY EXHAUST PLAINTIFF CALIFORNIA DEPARTMENT OF CORRECTIONS
 25 AND REHABILITATION ADMINISTRATIVE REMEDIES TO APPEAL LOG NO. C-06-00830
 26 SEE ATTACHED (EXHIBIT A)

27

28



FACTUAL ALLEGATIONS

① ON JULY 8, 1999 AT PELICAN BAY STATE PRISON HERCIN AREA (PBSA) PLAINTIFF WAS STABBED FROM BEHIND IN THE NECK BY ANOTHER PRISONER WHICH RESULTED IN PLAINTIFF BECOMING PARALYZED FROM THE CHEST DOWN

② AS A RESULT OF THE STABBING PLAINTIFF HAS BEEN DIAGNOSED PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES)

③ ON APRIL 9, 2001 AT SALINAS VALLEY STATE PRISON HERCIN AREA (SVSP) PLAINTIFF WAS EXAMINED BY DR. THEODORE KACZMAR NEUROLOGIST WHO PRESCRIBED BACLOFEN MEDICATION FOR PLAINTIFF TO GO TO MUSCLE SPASMS.

④ ON MARCH 23, 2006 AT (SVSP) PLAINTIFF WAS EXAMINED BY DR. WILSON WHO STOP PLAINTIFF MEDICATION AND PRESCRIBED VICODIN 500 MG X 60 DAYS FOR PLAINTIFF CHRONIC LOWER BACK PAIN.

⑤ ON APRIL 7, 2006 AT APPROXIMATELY 11:00 AM PLAINTIFF WAS TRANSFERRED FROM CALIFORNIA STATE PRISON COCORAN HERCIN AREA (CSP-COR) TO CALIFORNIA STATE PRISON HERCIN AREA (CSP-C)

⑥ PLAINTIFF ARRIVED AT CSP-C AT APPROXIMATELY 2:00 PM AND AT APPROXIMATELY 3:30 PM PLAINTIFF WAS SEEN BY THE ON DUTY NURSE DEFENDANT M. RAMIREZ AT RECEIVING AND RELEASE WHO HAD PLAINTIFF MEDICAL FILES IN FRONT OF HER AND I WAS ASKED WHAT TYPE OF MEDICATION I WAS PRESCRIBED AND CURRENTLY TAKING, PLAINTIFF INFORMED DEFENDANT M. RAMIREZ I AM TAKING VICODIN 5/500 MG FOR PAIN AND BACLOFEN 10 MG FOR MUSCLE SPASMS

⑦ WHEN PLAINTIFF REQUESTED THE VICODIN MEDICATION FOR PAIN THE ON DUTY NURSE DEFENDANT M. RAMIREZ DENIED THE PLAINTIFF THE MEDICATION FOR PAIN IN A CAUSH FORM OR PILL FORM.

⑧ ON APRIL 8, 2006 AT APPROXIMATELY 1:00 PM THE ON DUTY (MIA) MEDICAL



1 TRAINING ASSISTANCE CARRILLO CAME TO MY ASSIGNED CELL AND I
 2 ALSO INFORMED HER THAT I AM SUFFERING FROM CHRONIC LOWER BACK PAIN AND
 3 TAKING VICODIN MEDICATION AND REQUESTED THAT SHE GO CHECK MY MEDICAL
 4 FILE AND ONCE SHE VERIFY THAT I AM ON THE CHRONIC PAIN MEDICATION
 5 THAT SHE PROVIDE ME WITH THE MEDICATION.

6 ④ MEDICAL TRAINING ASSISTANCE CARRILLO STATED THAT IF I GIVE
 7 YOU THE MEDICATION YOU WOULD HAVE TO BE HOUSED IN THE INFIRMARY.

8 ⑤ PLAINTIFF EXPLAINED TO (MIA) CARRILLO AT (CSP-COA) THE MEDICAL
 9 TRAINING ASSISTANCES WOULD BRING MY MEDICATION TO ME DAILY
 10 WITHOUT ME BEING CONFINED IN THE INFIRMARY, I SEE NO REASON WHY I
 11 WOULD HAVE TO BE PLACED IN THE INFIRMARY TO RECEIVE MY PRESCRIBED
 12 MEDICATION, AND I SEE NO REASON WHY I'M NOT RECEIVING MY PRESCRIBED
 13 MEDICATION, IT WAS MADE CLEAR BY MIA CARRILLO THAT THE MEDICATION
 14 IS AVAILABLE.

15 ⑥ ON APRIL 14, 2006 AT CSP-C PLAINTIFF WAS EXAMINED BY A. LOPEZ
 16 ON OUR NURSE PRACTITIONER AND I EXPLAINED TO HIM THAT I'M HAVING
 17 SEVERE CHRONIC LOWER BACK PAIN AND WOULD HE HAVE THE NURSE TO
 18 GIVE ME MY PAIN MEDICATION TO TO CHRONIC PAIN. NURSE DECLINED
 19 A. LOPEZ DENIED PLAINTIFF THE PAIN MEDICATION IN A CAUSH OR PILL FORM
 20 THAT WAS PRESCRIBED BY DR. WILSON AT (CSP-COA) ON MARCH 23, 2006
 21 FOR 60 DAYS.

22 ⑦ ON APRIL 26, 2006 PLAINTIFF WAS INTERVIEWED BY J. FLORES
 23 CONCERNING APPEAL LOG NO. 06-00830, WHO STATED (QUOTE) PLEASE
 24 BE ADVISED THAT VICODIN IS A MEDICATION THAT IS NOT ALLOWED ON THE
 25 YARD AT (CSP-C) IN ITS SOLID FORM, YOU CAN RECEIVE CAUSHED
 26 VICODIN ON THE YARD AT THE CLINIC. IN THE OUTPATIENT HOSPITAL UNIT IT
 27 IS AVAILABLE IN PILL FORM.. MR. LOPEZ HAS SUBSTITUTED DACKLOFEN FOR
 28 THE PAIN MEDICATION THAT YOU WERE RECEIVING AT YOUR FORMER INSTITUTION

1 AND THIS MAY ACTUALLY WORK BETTER FOR YOU.

2 (3) DEFENDANT A. LOPEZ NURSE PRACTITIONER DID NOT SUBSTITUTE THE
 3 PAIN MEDICATION VICODIN FOR BACLOFEN, PLAINTIFF HAD ALREADY
 4 BEEN PRESCRIBED BACLOFEN MEDICATION AT CSP-COR BY DR. PRIMADURRANTA
 5 FROM MARCH 2, 2006 TO MAY 31, 2006 AND THE BACLOFEN WAS PRESCRIBED
 6 FOR MUSCLE SPASMS, AND ON APRIL 14, 2006 DEFENDANT A. LOPEZ
 7 HAD GIVEN PLAINTIFF THE BACLOFEN MEDICATION HE HAD ALREADY BEEN
 8 PRESCRIBED AT HIS FORMER INSTITUTION.

9 (4) ONCE PLAINTIFF ARRIVED AT (CSP-C) ON APRIL 7, 2006 I WAS
 10 DENIED THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM AND ON
 11 APRIL 14, 2006 WHEN PLAINTIFF WAS EXAMINED BY DEFENDANT A. LOPEZ
 12 EVEN AFTER I INFORMED HIM I WAS IN SEVERE CHRONIC LOWER BACK
 13 PAIN IN THE CLINIC PLAINTIFF WAS DENIED THE PAIN MEDICATION IN
 14 A CRUSHED OR SOLID FORM, AND THE BACLOFEN MEDICATION DID NOT
 15 ALLEGE THE CHRONIC PAIN IN PLAINTIFFS LOWER BACK.

16 (5) ON MAY 3, 2006 PLAINTIFF WAS ADMITTED INTO (CSP-C) INFIRMARY
 17 DUE TO HIS SPINAL INJURY AND MEDICAL SYMPTOMS THAT HE IS SUFFERING
 18 FROM.

19 (6) THEREFORE ON APRIL 8, 2006 AT (CSP-C) MEDICAL TRAINEE ASSISTANCE
 20 CERRILLO WAS CORRECT, I WOULD HAVE TO BE HOUSED IN THE INFIRMARY TO
 21 RECEIVE THE PAIN MEDICATION VICODIN. ON MAY 3, 2006 WHEN PLAINTIFF
 22 WAS ADMITTED IN THE INFIRMARY ON MAY 3, 2006 I WAS THEN PROVIDED
 23 WITH THE PAIN MEDICATION VICODIN.

24
 25 FIRST CAUSE OF ACTION

26 DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS

27
 28 (7) PLAINTIFF HEREBY ACALLEGES AND INCORPORATES ALL PRECEDING

- 1 PARAGRAPHS AS THOUGH FULLY SET FORTH HEADING 1 THROUGH 16
- 2 (8) PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE.
- 3 (9) PLAINTIFF CLAIM THAT DEFENDANTS M. AAMIAR AND A. LOPEZ
- 4 DEMONSTRATED DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS WHEN
- 5 THEY KNEW THAT PLAINTIFF HAVE A SPINAL CORD INJURY, DEFENDANTS KNEW
- 6 THAT PLAINTIFFS WAS PRESCRIBED PAIN MEDICATION VICODIN BY DR.
- 7 WILSON, PLAINTIFF INFORMED BOTH DEFENDANT THAT HE WAS IN CHRONIC
- 8 PAIN AND THAT HE NEEDS HIS PAIN MEDICATION, AND BOTH DEFENDANTS
- 9 DENIED PLAINTIFF THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM
- 10 FOR 27 DAYS.
- 11 (10) DEFENDANTS INTENTIONALLY AND DELIBERATELY DENIED AND/OR
- 12 REFUSED PLAINTIFF TO GAIN ACCESS TO HIS PRESCRIPTION PAIN MEDICATION
- 13 VICODIN THAT WOULD HAVE HELPED HIS CHRONIC LOWER BACK PAIN AND
- 14 BY THE DEFENDANTS DENYING PLAINTIFF HIS PRESCRIBED PAIN MEDICATION
- 15 COMPLETELY, DID NOT ADVANCE OR SUPPORT ANY LEGITIMATE PENALOGICAL
- 16 INTEREST AND AS A RESULT PLAINTIFF SUFFERED A CHILLING EFFECT.
- 17 (1) AS A RESULT OF THE DEFENDANTS, PLAINTIFF HAS BECOME MENTALLY
- 18 UPSET, DISTRESSED AND AGGRAVATED WHICH AFFECTED HIS DAILY ACTIVITIES. BY
- 19 REASON OF THE AFORE DESCRIBED ACTS AND OMISSIONS OF DEFENDANTS, PLAINTIFF
- 20 SUSTAINED GREAT NUMEROUS PHYSICAL MENTAL AND EMOTIONAL INJURIES, INCLUDING,
- 21 BUT NOT LIMITED TO SEVERE CHRONIC LOWER BACK PAIN, HUMILIATION, INDIGNITIES,
- 22 PAIN AND SUFFERING. PLAINTIFF CLAIMS GENERAL DAMAGES FOR SUCH MENTAL
- 23 DISTRESS AND AGGRAVATION.
- 24 (2) THE AFORE MENTIONED ACTS OF DEFENDANTS WERE WILLFUL, WANTON,
- 25 MALICIOUS, OPPRESSIVE, VEXATIONS, DELIBERATE AND DONE WITH NECKLESS
- 26 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFFS RIGHTS AND
- 27 JUSTIFY AN AWARD OF EXEMPLARY AND PUNITIVE DAMAGES.
- 28 (3) IN COMMITTING THE ACTS SET FORTH HEADING ABOVE, THE DEFENDANTS

1 VIOLATED PLAINTIFF FEDERALLY PROTECTED RIGHTS THE EIGHT AMENDMENT
 2 BEING DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS,
 3 CRUEL AND UNUSUAL PUNISHMENT DENIAL OF MEDICAL CARE.

4 SECOND CAUSE OF ACTION

5
 6 THE DEFENDANTS' ACTS AND OMISSIONS CONSTITUTED A
 7 VIOLATION OF PLAINTIFF'S RIGHTS TO EQUAL PROTECTION UNDER
 8 THE FOURTEENTH AMENDMENT.

- 9
 10
 11 ④ PLAINTIFF HEREBY REALLEGES AND INCORPORATES ALL PRECEDING
 12 PARAGRAPHS AS THOUGH FULLY SET FORTH HERIN, I THROUGH 16.
 13 ⑤ ON JULY 8, 1999 AT PELICAN BAY STATE PRISON PLAINTIFF WAS
 14 STABBED FROM BEHIND IN THE NECK BY ANOTHER PRISONER THAT RESULTED IN
 15 PLAINTIFF BECOMING PARALYZED FROM THE CHEST DOWN.
 16 ⑥ PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE.
 17 ⑦ PLAINTIFF CLAIMS THAT DEFENDANTS M. RAMIREZ AND A. LOPEZ
 18 DEMONSTRATED A VIOLATION OF PLAINTIFF'S RIGHTS TO EQUAL PROTECTION
 19 WHEN THEY KNEW THAT PLAINTIFF HAD A SPINAL CORD INJURY; DEFENDANTS
 20 KNEW THAT PLAINTIFF WAS PRESCRIBED PAIN MEDICATION VICODIN BY DR.
 21 WILSON, PLAINTIFF INFORMED BOTH DEFENDANTS THAT HE WAS IN CHRONIC
 22 PAIN AND THAT HE NEEDS HIS PAIN MEDICATION, AND BOTH DEFENDANTS
 23 DENIED PLAINTIFF THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM FOR
 24 27 DAYS.
 25 ⑧ DEFENDANTS INTENTIONALLY AND DELIBERATELY DIED AND/OR REFUSED
 26 PLAINTIFF TO GAIN ACCESS TO HIS PRESCRIPTION PAIN MEDICATION VICOIN THAT
 27 WOULD HAVE HELP HIS CHRONIC LOWER BACK PAIN AND BY THE DEFENDANTS DELAYING
 28 PLAINTIFF HIS PRESCRIBED PAIN MEDICATION COMPLETELY, DID NOT ADVANCE OR SUPPORT

1 ANY LEGITIMATE PENALOGICAL INTEREST AND AS A RESULT PLAINTIFF
 2 SUFFERED A CHILLING EFFECT.

3 (2) AS A RESULT OF THE DEFENDANTS, PLAINTIFF HAS BECOME MENTALLY
 4 UPSET, DISTRESSED AND AGGRAVATED WHICH AFFECTED HIS DAILY ACTIVITIES.
 5 BY REASON OF THE AFORE DISCUSSED ACTS AND OMISSIONS OF DEFENDANTS,
 6 PLAINTIFF SUSTAINED GREAT NUMEROUS PHYSICAL MENTAL AND EMOTIONAL INJURIES
 7 INCLUDING, BUT NOT LIMITED TO SEVERE CHRONIC LOWER BACK PAIN, HUMILIATION,
 8 INDIGNITIES, PAIN AND SUFFERING. PLAINTIFF CLAIMS GENERAL DAMAGES FOR
 9 SUCH MENTAL DISTRESS AND AGGRAVATION.

10 (3) THE AFORE MENTIONED ACTS OF DEFENDANTS WERE WILLFUL, WANTON,
 11 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH ACCUSERS
 12 INDIFFERENCE TO AND/ OR CALLOUS DISREGARD FOR PLAINTIFFS RIGHTS AND
 13 JUSTIFY AN AWARD OF EXEMPLARY AND PUNITIVE DAMAGES.

14 (4) IN COMMITTING THE ACTS SET FORTH HEREIN ABOVE, THE DEFENDANTS
 15 VIOLATED PLAINTIFF FEDERALLY PROTECTED RIGHTS EQUAL PROTECTION UNDER
 16 THE FOURTEENTH AMENDMENT.

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PRAYER FOR RELIEF

3 WHEREFORE, PLAINTIFF PRAY FOR JUDGMENT AGAINST DEFENDANTS AS
4 FOLLOWS:

GENERAL DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000).
COMPENSATORY DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000)
SPECIAL DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000)
PUNITIVE DAMAGES IN THE SUM OF FOUR MILLION DOLLARS (\$ 4,000,000)
INTEREST AS PROVIDED BY LAW FOR THE COSTS OF THIS SUITE.
DECLARATORY JUDGMENT THAT THE DEFENDANT'S ACTS, POLICY AND
PRACTICES DESCRIBED HEREIN, VIOLATED PLAINTIFF'S RIGHTS UNDER THE
UNITED STATES CONSTITUTION

INDUCTIVE RELIEF. AN INDUCTION PREVENDING DEFENDANT, THEIR
SUCCESSORS IN OFFICE, AGENTS, EMPLOYEES, AND ALL OTHER
PERSON IN ACTIVE CONCERN AND PARTICIPATING WITH THEM, FROM
HARASSING, THREATENING, PUNISHING OR RETALIATING IN ANY WAY AGAINST
PLAINTIFF, BECAUSE HE HAS FILED THIS ACTION OR AGAINST ANY OTHER PRISONER
BECAUSE THAT PRISONER SUBMITTED DECLARATIONS IN THIS CASE ON BEHALF
OF THE PLAINTIFF.

FOR SUCH OTHER AND FURTHER RELIEF AS THIS COURT MAY DEEM
JUST, PROPER AND EQUITABLE.

DEMAND FOR OVER DRAFT

PLAINTIFF DEMANDS A TRIAL BY JURY

I DO DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE
AND CORRECT.

Date: Feb 14, 2008

1) y) a (a